IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 26466 of 2007(A)

PETITIONER:

E.P.HARIJAYANANTHAN NAMBOOTHIRI,
PRESIDENT, MANAGING COMMITTEE, TALIPARAMBA,
TRICHAMBARAM, KANHIRANGAD DEVASWOM,
(T.T.K.DEVASWOM), TALIPARAMBA, KANNUR, KERALA.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SMT.SREEDEVI KYLASANATH

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEVASWOM DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE COMMISSIONER,
H.R.& C.E.(ADMINISTRATION) DEPARTMENT,
KOZHIKODE - 20.
3. E.K.BABU, EXECUTIVE OFFICER(SUSPENSION)
T.T.K.DEVASWOM, ELAYIDATH KOLASSERY ILLAM,
MULLOOL(P.O), PATTUVAM, TALIPARAMBA,
KANNUR - 670 143.

BY GOVT PLEADER SRI K. SANDESH RAJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

W.P.C. No 26466 of 2007

Dated: 5th September 2007

JUDGMENT

Radhakrishnan, J.

Heard learned counsel for the petitioner and the learned Government Pleader.

2. Petitioner challenges Ext. P5 interim order passed by the Commissioner in I.A. No 29 of 2007 in R.P. No 15 of 2007 and Ext. P6 order stating that prior sanction has to be obtained before effecting transfers of employees of the T.T.K. Devaswom. Counsel for the petitioner submits that the above orders are illegal and without jurisdiction. Counsel further submits that the petitioner was not heard before issuing those orders. Counsel submits that the petitioner has filed objection to Exts. P5 and P6. Considering the facts and circumstances of the case, we are inclined to dispose of this writ petition with a direction to the second respondent - Commissioner to consider the objections raised against Exts. P5 and P6 and pass appropriate orders in accordance with law within a period of one month from the date of receipt of a copy of this judgment. If the petitioner

has not filed objection to Ext. P5 and Ext. P6 he may do so within one week from today. We make it clear we are not expressing any opinion on the merits of the case.

SD/-
K.S. RADHAKRISHNAN
Judge

SD/-
A.K.BASHEER
Judge

05/09/2007
en

[true copy]